

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DELTA PILOTS ASSOCIATION,

Plaintiff,

-against-

RUSSELL C. MELVIN

Defendant.
-----X

**DECLARATION OF DANA
LOSSIA IN OPPOSITION TO
PLAINTIFF'S MOTION TO
AMEND THE FIRST
AMENDED COMPLAINT**

Case No.
1:14-CV-00225-AKH

I, DANA LOSSIA, declare as follows:

1. I am lead counsel of record for Defendant Russell C. Melvin, in the above captioned-matter.

2. I make this Declaration of my own free will, based on my personal knowledge, unless otherwise specifically indicated.

3. This Declaration is in opposition to Plaintiff's Motion To Amend The First Amended Complaint, Pursuant To Rule 15 (Docket # 75).

4. Attached as "**Attachment 1**" is a true and correct copy of a publicly accessible Internet "WhoIs" registration report from <http://www.domaintools.com>, obtained by me on January 23, 2017, that shows "Ausi.com" to be registered in Australia.

5. Attached as "**Attachment 2**" is a true and correct copy of a publicly accessible Internet "WhoIs" registration report from <http://www.domaintools.com>, obtained by me on January 23, 2017, that shows both "delta-pilots.org" and "deltapilotsassociation.org" as registered by "Domains by Proxy."

6. Attached as "**Attachment 3**" is a true and correct copy of an screenshot of an online conversation or "chat" between Defendant Melvin and GoDaddy technical support, taken

by Melvin (as he will testify), showing that GoDaddy does not maintain records for domains that have been transferred to another domain host.

7. Attached as “**Attachment 4**” is a true and correct copy of several printouts of publically accessible pages from DPA’s website, accessed and downloaded by me on January 23, 2017, which show updates from DPA to its membership about this case and which solicit donations.

8. Attached as “**Attachment 5**” is a true and correct copy of a printout of a publically accessible page on DPA’s website, accessed and downloaded by me on January 23, 2017, showing DPA’s estimate that the website interruption lasted 21 hours.

Pursuant to 29 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 23, 2017



DANA E. LOSSIA

ATTACHMENT 1

Home > Whois Lookup > AuSi.com

Whois Record for AuSi.com

Find out more about Project Whois and DomainTools for Windows.



DOMAINTOOLS for Windows

Download Now

Access domain ownership records from your desktop

Related Domains For Sale or At Auction		1	More
SidneeY.com (\$2,595)	RistoranteLaCascina.com (\$3,195)	>	

Whois & Quick Stats

Email	abuse@web.com is associated with ~8,902,741 domains kbridge@netspace.net.au is associated with ~23 domains	↻
Registrar	NETWORK SOLUTIONS, LLC.	
Registrar Status	clientTransferProhibited	
Dates	Created on 1999-01-11 - Expires on 2018-01-11 - Updated on 2015-11-13	↻
Name Server(s)	NS1.DREAMHOST.COM (has 1,142,938 domains) NS2.DREAMHOST.COM (has 1,142,938 domains) NS3.DREAMHOST.COM (has 1,142,938 domains)	↻
IP Address	173.236.177.10 - 44 other sites hosted on this server	↻
IP Location	 - California - Brea - New Dream Network Llc	
ASN	 AS26347 DREAMHOST-AS - New Dream Network, LLC, US (registered Aug 28, 2002)	
Domain Status	Registered And Active Website	
Whois History	345 records have been archived since 2001-05-31	↻
IP History	8 changes on 5 unique IP addresses over 12 years	↻
Registrar History	1 registrar	↻

Hosting History 1 change on 2 unique name servers over 14 years



Whois Server whois.networksolutions.com

— Website

Website Title  ausi.com - free web based email for australians, australia, aussies, ex-patriates, au, and folks down under



Server Type Apache

Response Code 200

SEO Score 66%

Terms 753 (Unique: 446, Linked: 283)

Images 156 (Alt tags missing: 146)

Links 270 (Internal: 50, Outbound: 217)

Whois Record (last updated on 2017-01-23)

Domain Name: AUSI.COM
Registry Domain ID: 4760774_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.networksolutions.com
Registrar URL: http://www.networksolutions.com/en_US/
Updated Date: 2016-12-22T17:58:17Z
Creation Date: 1999-01-11T05:00:00Z
Registrar Registration Expiration Date: 2018-01-11T05:00:00Z
Registrar: NETWORK SOLUTIONS, LLC.
Registrar IANA ID: 2
Registrar Abuse Contact Email: abuse@web.com
Registrar Abuse Contact Phone: +1.8003337680
Reseller:
Domain Status:
Registry Registrant ID:
Registrant Name: Australian Generic Pharmaceuticals
Registrant Organization: Australian Generic Pharmaceuticals
Registrant Street: 115 Bass Highway
Registrant City: Westbury
Registrant State/Province: Tasmania
Registrant Postal Code: 7303
Registrant Country: AU
Registrant Phone: +61.363932011
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: kbridge@netspace.net.au
Registry Admin ID:
Admin Name: Bridge, Ken
Admin Organization: Australian Generic Pharmaceuticals
Admin Street: P.O. Box 39
Admin City: Hagley
Admin State/Province: Tasmania
Admin Postal Code: 7292
Admin Country: AU

Admin Phone: +61.363932011
 Admin Phone Ext:
 Admin Fax: +61.363932066
 Admin Fax Ext:
 Admin Email: kbridge@netspace.net.au
 Registry Tech ID:
 Tech Name: Australian Generic Pharmaceuticals
 Tech Organization: Australian Generic Pharmaceuticals
 Tech Street: 115 Bass Highway
 Tech City: Westbury
 Tech State/Province: Tasmania
 Tech Postal Code: 7303
 Tech Country: AU
 Tech Phone: +61.363932011
 Tech Phone Ext:
 Tech Fax:
 Tech Fax Ext:
 Tech Email: kbridge@netspace.net.au
 Name Server: NS1.DREAMHOST.COM
 Name Server: NS2.DREAMHOST.COM
 Name Server: NS3.DREAMHOST.COM
 DNSSEC: Unsigned
 URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>.

Tools


Whois History	
Hosting History	
Monitor Domain Properties	▼
Reverse Whois Lookup	▼
Reverse IP Address Lookup	▼
Reverse Name Server Lookup	▼
Network Tools	▼
Buy This Domain ▼	
Visit Website	
📄 Preview the Full Domain Report	

ATTACHMENT 2

Home > Whois Lookup > Delta-Pilots.org

Whois Record for Delta-Pilots.org

Find out more about Project Whois and DomainTools for Windows.


DOMAINTOOLS for Windows

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Access domain ownership records from your desktop



Related Domains For Sale or At Auction

PilotsLogbook.com (\$1,177)
PilotsAssociation.com (\$2,495)

PilotsClub.com (\$2,988)
MaritimePilots.org (\$5,000)

1	2	3
More >		

— Whois & Quick Stats

Email	delta-pilots.org@domainsbyproxy.com	
Registrant Org	Domains By Proxy, LLC was found in ~12,060,106 other domains	↻
Dates	Created on 2010-05-13 - Expires on 2017-05-13 - Updated on 2015-12-10	↻
IP Address	198.49.23.177 - 24,049 other sites hosted on this server	↻
IP Location	 - New York - New York City - Squarespace Inc.	
ASN	 AS53831 SQUARESPACE - Squarespace, Inc., US (registered Jan 02, 2013)	
Domain Status	Registered And Active Website	
Whois History	43 records have been archived since 2010-05-14	↻
IP History	13 changes on 10 unique IP addresses over 7 years	↻
Hosting History	1 change on 2 unique name servers over 7 years	↻
Whois Server	whois.pir.org	

— Website

Website Title	 Delta Pilots Association - HOME	↻
Server Type	SSWS	
Response Code	200	
SEO Score	95%	
Terms	323 (Unique: 123, Linked: 288)	
Images	17 (Alt tags missing: 15)	
Links	161 (Internal: 158, Outbound: 3)	

Whois Record (last updated on 2017-01-23)

```

Domain Name: DELTA-PILOTS.ORG
Domain ID: D159164357-LROR
WHOIS Server:
Referral URL: http://www.godaddy.com
Updated Date: 2015-12-10T13:46:06Z
Creation Date: 2010-05-13T14:05:14Z
Registry Expiry Date: 2017-05-13T14:05:14Z
Sponsoring Registrar: GoDaddy.com, LLC
Sponsoring Registrar IANA ID: 146
Domain Status: clientDeleteProhibited https://icann.org/epp#clientDeleteProhibited
Domain Status: clientRenewProhibited https://icann.org/epp#clientRenewProhibited
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Domain Status: clientUpdateProhibited https://icann.org/epp#clientUpdateProhibited
Registrant ID: CR47799418
Registrant Name: Registration Private
Registrant Organization: Domains By Proxy, LLC
Registrant Street: DomainsByProxy.com
Registrant Street: 14747 N Northsight Blvd Suite 111, PMB 309
Registrant City: Scottsdale
Registrant State/Province: Arizona
Registrant Postal Code: 85260
Registrant Country: US
Registrant Phone: +1.4806242599
Registrant Phone Ext:
Registrant Fax: +1.4806242598
Registrant Fax Ext:

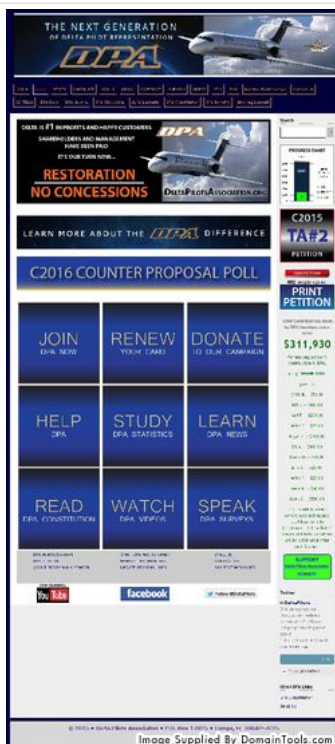
```


Registrant Email: delta-pilots.org@domainsbyproxy.com
 Admin ID: CR47799428
 Admin Name: Registration Private
 Admin Organization: Domains By Proxy, LLC
 Admin Street: DomainsByProxy.com
 Admin Street: 14747 N Northsight Blvd Suite 111, PMB 309
 Admin City: Scottsdale
 Admin State/Province: Arizona
 Admin Postal Code: 85260
 Admin Country: US
 Admin Phone: +1.4806242599
 Admin Phone Ext:
 Admin Fax: +1.4806242598
 Admin Fax Ext:
 Admin Email: delta-pilots.org@domainsbyproxy.com
 Tech ID: CR47799421
 Tech Name: Registration Private
 Tech Organization: Domains By Proxy, LLC
 Tech Street: DomainsByProxy.com
 Tech Street: 14747 N Northsight Blvd Suite 111, PMB 309
 Tech City: Scottsdale
 Tech State/Province: Arizona
 Tech Postal Code: 85260
 Tech Country: US
 Tech Phone: +1.4806242599
 Tech Phone Ext:
 Tech Fax: +1.4806242598
 Tech Fax Ext:
 Tech Email: delta-pilots.org@domainsbyproxy.com
 Name Server: NS21.DOMAINCONTROL.COM
 Name Server: NS22.DOMAINCONTROL.COM
 DNSSEC: unsigned

For more information on Whois status codes, please visit <https://icann.org/epp>

Tools

Whois History	
Hosting History	
Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼
Buy This Domain ▼	
Visit Website	
Preview the Full Domain Report	



View Screenshot History

Available TLDs

Home > Whois Lookup > DeltaPilotsAssociation.org

Whois Record for DeltaPilots...ciation.org

Find out more about Project Whois and DomainTools for Windows.


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Related Domains For Sale or At Auction



Autopilots.org (\$1,100)
 AirlinePilots.org (\$1,588)
 PrivatePilots.org (\$3,388)

BushPilots.com (\$1,265)
 WomenPilots.com (\$4,188)
 PilotSim.com (\$1,595)

123

More >

— Whois & Quick Stats

Email	deltapilotsassoci...@domainsbyproxy.com	
Registrant Org	Domains By Proxy, LLC was found in ~12,060,106 other domains	↗
Dates	Created on 2010-07-20 - Expires on 2017-07-20 - Updated on 2015-12-10	↗
IP Address	198.49.23.177 - 24,049 other sites hosted on this server	↗
IP Location	 - New York - New York City - Squarespace Inc.	
ASN	 AS53831 SQUARESPACE - Squarespace, Inc., US (registered Jan 02, 2013)	
Domain Status	Registered And Active Website	
Whois History	42 records have been archived since 2010-07-21	↗
IP History	13 changes on 10 unique IP addresses over 7 years	↗
Hosting History	1 change on 2 unique name servers over 7 years	↗
Whois Server	whois.pir.org	

— Website

Website Title	 Delta Pilots Association - HOME	↗
Server Type	SSWS	
Response Code	200	
SEO Score	95%	
Terms	323 (Unique: 123, Linked: 288)	
Images	17 (Alt tags missing: 15)	
Links	161 (Internal: 158, Outbound: 3)	

Whois Record (last updated on 2017-01-23)

```

Domain Name: DELTAPILOTSASSOCIATION.ORG
Domain ID: D159698767-LROR
WHOIS Server:
Referral URL: http://www.godaddy.com
Updated Date: 2015-12-10T13:46:06Z
Creation Date: 2010-07-20T14:00:57Z
Registry Expiry Date: 2017-07-20T14:00:57Z
Sponsoring Registrar: GoDaddy.com, LLC
Sponsoring Registrar IANA ID: 146
Domain Status: clientDeleteProhibited https://icann.org/epp#clientDeleteProhibited
Domain Status: clientRenewProhibited https://icann.org/epp#clientRenewProhibited
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Domain Status: clientUpdateProhibited https://icann.org/epp#clientUpdateProhibited
Registrant ID: CR52384013
Registrant Name: Registration Private
Registrant Organization: Domains By Proxy, LLC
Registrant Street: DomainsByProxy.com
Registrant Street: 14747 N Northsight Blvd Suite 111, PMB 309
Registrant City: Scottsdale
Registrant State/Province: Arizona
Registrant Postal Code: 85260
Registrant Country: US
Registrant Phone: +1.4806242599
Registrant Phone Ext:
Registrant Fax: +1.4806242598
  
```

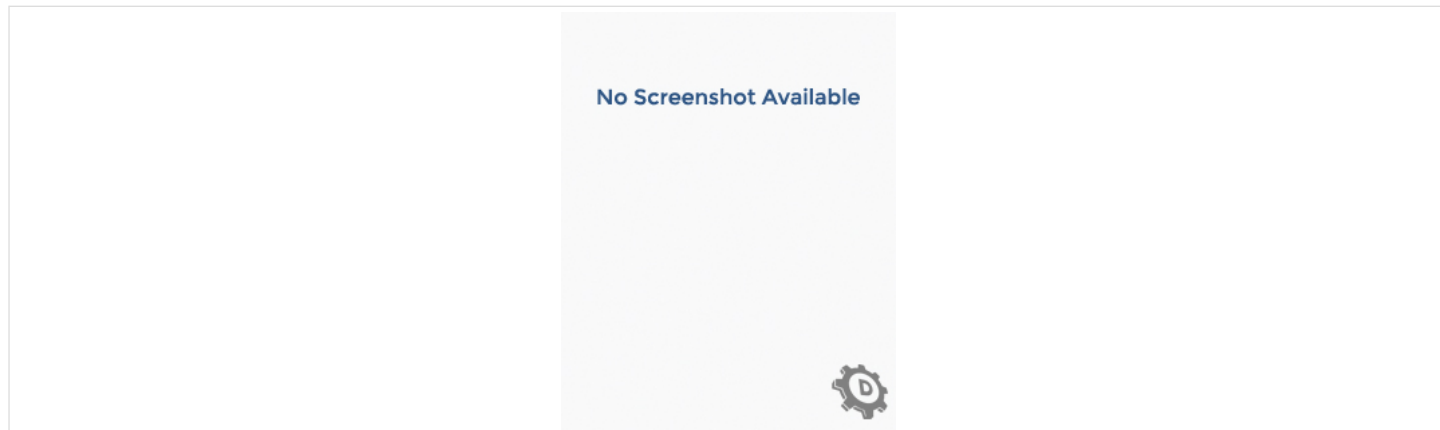
Registrant Fax Ext:
 Registrant Email: DELTAPILOTSASSOCIATION.ORG@domainsbyproxy.com
 Admin ID: CR52384019
 Admin Name: Registration Private
 Admin Organization: Domains By Proxy, LLC
 Admin Street: DomainsByProxy.com
 Admin Street: 14747 N Northsight Blvd Suite 111, PMB 309
 Admin City: Scottsdale
 Admin State/Province: Arizona
 Admin Postal Code: 85260
 Admin Country: US
 Admin Phone: +1.4806242599
 Admin Phone Ext:
 Admin Fax: +1.4806242598
 Admin Fax Ext:
 Admin Email: DELTAPILOTSASSOCIATION.ORG@domainsbyproxy.com
 Tech ID: CR52384016
 Tech Name: Registration Private
 Tech Organization: Domains By Proxy, LLC
 Tech Street: DomainsByProxy.com
 Tech Street: 14747 N Northsight Blvd Suite 111, PMB 309
 Tech City: Scottsdale
 Tech State/Province: Arizona
 Tech Postal Code: 85260
 Tech Country: US
 Tech Phone: +1.4806242599
 Tech Phone Ext:
 Tech Fax: +1.4806242598
 Tech Fax Ext:
 Tech Email: DELTAPILOTSASSOCIATION.ORG@domainsbyproxy.com
 Name Server: NS37.DOMAINCONTROL.COM
 Name Server: NS38.DOMAINCONTROL.COM
 DNSSEC: unsigned

For more information on Whois status codes, please visit <https://icann.org/epp>

Tools

Whois History	
Hosting History	
Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼
Buy This Domain ▼	
Visit Website	

📄 Preview the Full Domain Report



View Screenshot History

Available TLDs

General TLDs	Country TLDs
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The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- ☐ Taken domain.
☐ Available domain.
☐ Deleted previously owned domain.

DeltaPilots...ciation....	View Whois
DeltaPilots...ciation....	View Whois
DeltaPilots...ciation....	View Whois
DeltaPilots...iation.in...	Buy Domain

ATTACHMENT 3

Subject: Chat transcript

Date: Thursday, December 29, 2016 at 8:33:16 AM Central Standard Time

From: LiveChat

To: russell@russellmelvin.com



Chat transcript

YOUR NAME Russell Melvin

CUSTOMER NUMBER 18852316

WHAT PRODUCT DO YOU NEED HELP WITH? Domains

Claire

Thu, 12/29/16 08:13:58 am America/Chicago

Thank you for chatting with us! How may I help you today?

Hi there! Thank you for contacting GoDaddy Chat Sales and Support. My name is Claire. May I have your name please? 08:14:08 am

Russell Melvin

08:14:42 am

Hi Claire! I'm a very long time GoDaddy customer and I have some generic questions regarding fraud protection. Can you help me with that?

Claire

08:15:07 am

Sure! Just tell me exactly what you mean :)
Is it the online protection for shopper?

Russell Melvin

08:15:22 am

Thanks! If I suspect someone has logged on to my GoDaddy account without authorization, and has changed my DNS Zone File, how would that be handled? Do you "roll it back" to a known good state, or do you manually examine it for errors in configuration? Is that process quick? Is there any fee to do that and, if so, what is it?

Claire 08:17:15 am

We have a fraud department to do the investigation. But first we have to determine if the account is really compromised.
How did you know that someone access your account?

Russell Melvin 08:17:56 am

OK, but it's a relatively expeditious process then?
And it's basically a service included with my plan?

08:18:25 am

Claire 08:19:30 am

If the account really is compromised, we have to deal with it for your protection.
Can you give me data like time and date it was accessed?

Russell Melvin 08:20:43 am

As I said, these are generic question as I'm evaluating an additional commercial opportunity and I need to understand at a very low level what protection GoDaddy has in place. I have a couple more questions: If I suspect someone has logged on to my GoDaddy account without authorization, can GoDaddy provide me with history of IP Address login attempts and successful logins?

Claire 08:21:56 am

I'm not really sure if we can provide that but let me verify it for you :)
One second please

08:22:00 am

Russell Melvin 08:22:49 am

Thank you. And my last two questions may send you the same resource, so here they are to keep from duplicating effort: How far back do you maintain those records?

If I move my GoDaddy hosted domain name to another domain name host, how long do you maintain those records?
Thanks!

Claire 08:25:48 am

Hold on please :)

Russell Melvin 08:26:00 am

Thanks, as always.

Claire 08:30:14 am

For the login attempts, we can try to look for it as long as you have time frame given or suspected time they logged in. For how long those records are kept, we don't have any specific time frame, Once domain is transferred, we do not have any records at all.

Russell Melvin 08:30:30 am

OK, thanks! And to confirm from above. Once alleged, unauthorized access is promptly investigated and rectified if substantiated. We're talking minutes or hours...not days or weeks, right? A commercial site can't be down for an extended time.

Claire 08:31:34 am

Yes they are promptly investigated, and site must be live unless the owner requested to park it for the mean time.

Russell Melvin

08:32:10 am

As always, super helpful. Thanks so much, Claire! Have a great day!

Claire

08:32:16 am

You're most welcome :)

Can you do me a favor before you go?

A survey will pop up after this session, I would appreciate if you can share any feedback on how I assisted you today.

Russell Melvin

08:32:22 am

Of course.

Claire

08:32:26 am

Thank you so much! I really appreciate it. Bye now :)

Russell Melvin

08:32:32 am

I'd love to, thanks.

Claire

08:32:34 am

Thank you for chatting with us. We value your feedback. Please click the Close button at top right to answer a few questions about your experience with us today.

Please rate your satisfaction with your customer service representative: 10

Please rate your satisfaction with your product experience: 10

How likely are you to recommend us to a friend: 10

Please share any additional comments: Claire was great!

Duration: 18m 39s

Chat started on: <https://www.godaddy....help/domains-1000003?inapp=true#nav-2>



E-mail from [LiveChat](#)

ATTACHMENT 4



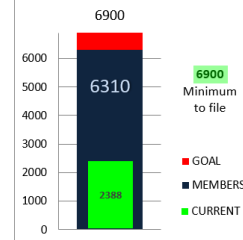
Search

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33682-7025

dpa@delta-pilots.org

PROGRESS CHART



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@DeltaPilots

DPA
got
your
retirement
and
other
losses
mentioned
in the
AJC!
<https://t.co/9MNSc9Dnuv>
about
a
month
ago

Older



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Saturday
Oct182014
October 18, 2014

ALPA Attempts to Block DPA Hacking Lawsuit

Once again, ALPA is spending pilot dues dollars attempting to block DPA's lawful right to pursue the individuals possibly involved in the hacking of the DPA website during November 2013. On October 7th, 2014, ALPA National legal filed a Motion for an Emergency Protective Order in Federal Court attempting to stop DPA from filing a named lawsuit in the hacking case.

CLICK HERE to read the ALPA Motion.

CLICK HERE to read the Memorandum in Support of ALPA's motion.

CLICK HERE to read a Declaration by Captain Michael Hanson.

CLICK HERE to read a Declaration by ALPA Attorney Luby.

CLICK HERE to read a Declaration by ALPA Attorney Abram.

In response, DPA filed a Memorandum in Opposition to ALPA's motion asserting our compliance with the Judge's instructions and right to proceed in a different jurisdiction.

CLICK HERE to read the Memorandum in Oppostion to ALPA's motion.

Clearly, ALPA is doing everything possible to interfere in the DPA investigation. The question all Delta Pilots should be asking is, **"WHY?"** This momentary delay in the process is a well-known tactic, but it will not deter DPA's pursuit of justice.

Update on October 30, 2014 by **Webmaster**

On October 27th, ALPA filed a Reply brief in support of its motion to block the named lawsuit of an individual(s) involved in the hacking of the DPA website. Upon reading ALPA's reply, it is clear they are desperately searching for any way to stop the lawsuit. The Judge will rule on ALPA's motion and DPA will proceed accordingly. In filing this motion, ALPA has done nothing more than to continue exposing its interests in the case. DPA will not be deterred from our goal of bringing the perpetrator(s) to justice and exposing this criminal act for what it is.

CLICK HERE to read ALPA's Reply in Support of its Motion.

CLICK HERE to read Captain Michael Hanson's Declaration.

CLICK HERE to read ALPA Attorney Alger's Declaration.

Update on November 25, 2014 by **Webmaster**

On November 24th, the Judge ruled in favor of ALPA's Motion for an Emergency Protective Order thereby blocking DPA from immediately filing a named lawsuit in a different Federal Court. While DPA cannot comment on the ruling, DPA attorneys are actively preparing next steps to continue the lawsuit in the appropriate venue.

CLICK HERE to read the Order.

Please consider donating now to help DPA in this effort.

CLICK HERE to donate.

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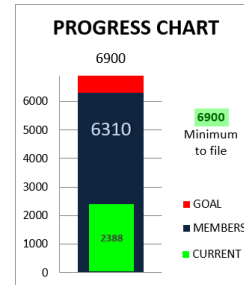


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33682-7025

dpa@delta-pilots.org



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@DeltaPilots

DPA

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your

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and

other

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AJC!

<https://t.co/9MNSc9Dnuv>

about

a

month

ago

Older



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Wednesday
Jan292014
January 29, 2014

DPA Press Release - Website Hacking Lawsuit Advances

Delta Pilots Association

Exclusive Representation for all Delta Pilots



Today, January 29, 2014, the United States District Court for the Southern District of New York authorized DPA to commence immediate discovery for the purpose of identifying those responsible for hacking the DPA website in November 2013. The court's order provides our attorneys with federal subpoena power to compel certain third parties, such as Internet Service Providers, to produce information identifying those responsible.

The court's decision to grant the motion follows a lawsuit filed by DPA in early January against an unknown person – "John Doe," which alleged violations of federal computer fraud and abuse laws. The lawsuit originates from the apparent resort to criminal means by unknown persons and/or organizations in an attempt to derail DPA's organizing effort at Delta by hacking into DPA's website in November 2013. Specifically, the hacking caused viewers attempting to access DPA's website to be redirected to a web page that falsely claimed that DPA had abandoned its organizing campaign and urged support for the incumbent union.

DPA concluded the federal suit was necessary in order to identify the hacker so that DPA could secure and protect its web site from any further electronic intrusion. By interfering with the DPA web site, the hacking interferes with every Delta pilot's right under the Railway Labor Act to choose who represents them. "All we are seeking is a fair and level playing field," said Lee Seham of Seham, Seham, Meltz & Petersen, General Counsel for DPA. Mr. Seham said, "We simply desire the opportunity to allow Delta pilots to decide their own fate on a democratic basis, free of criminality. But we do insist on this."

Our attorneys will now commence service of federal subpoenas on third parties that may hold relevant information that will help identify the individual or parties responsible for hacking the DPA website and disseminating false information.

Delta Pilots Association (DPA) is an independent union dedicated to democratic union representation, including direct election of union officers, membership right of recall of officers, membership ratification of all collective bargaining agreements and amendments, transparency of union finances, and representation free from conflicts of interest caused by attempting to represent multiple competing pilot groups.

DPA seeks to replace the incumbent pilots' union at Delta Air Lines. According to DPA Interim President Tim Caplinger, a majority of active Delta pilots have indicated their support for this new, independent organization.

Contact:

Lee Seham, Esq.
Seham, Seham, Meltz, & Petersen, LLP
Tel. (914) 997-1346

Delta Pilots Association • P.O. Box 17025 • Tampa, FL 33682-7025
www.DeltaPilotsAssociation.org

CLICK HERE for a printable version of the press release above.

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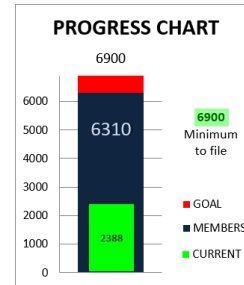


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Thursday
Jul032014
July 3, 2014

DPA Files Motion to Compel ALPA in Website Hacking Case

On November 8th and 9th, 2013, the DPA website was maliciously redirected to the phony pro-ALPA webpage image linked below:

PHONY WEBSITE USED IN ATTACK ON DPA

This attack prompted the commencement of a criminal and civil investigation. DPA filed a civil lawsuit in Federal Court and was granted subpoena authority to collect information on the individual(s)/organization potentially involved. Because of specific statements made by ALPA in their "True Headings" series of communications, ALPA National and the Delta MEC were served with subpoenas. ALPA National responded by providing DPA with a letter they allegedly received shortly after the attack last November from a Delta Pilot claiming to being involved in some way. Incredibly, ALPA National removed the name from the letter and has refused to provide the complete documentation including the names of the persons mentioned in the letter (author and "witness"). DPA filed a Motion to Compel along with the evidence linked below to cause ALPA to reveal the names of the people they know have been involved since around the time the attack occurred.

Several comments in the "True Headings" series (written after the letter was received) are noteworthy:

"We are highly skeptical that anyone hacked DPA's website and strongly believe that whatever temporary problems the DPA

experienced were the result of inadvertent actions by a third party, or even the DPA itself."

"The simple fact is that any such inquiry will inevitably establish that the DPA's charges against the Association are wholly without merit."

ALPA told the members that DPA experienced a *"temporary problem"* or *"errors in managing DNS records"*.

Now pressed by DPA's steady progress in the case, ALPA chooses to conceal the identities of those involved claiming "client-attorney privilege". Delta Pilot dues dollars are being spent inappropriately in covering potential knowledge about a possible felony committed. Delta Pilots and even ALPA volunteers who are beginning to see the truth behind this story are encouraged to consider which side of the fence they are standing on and will they be proud to be there once this investigation is complete.

DONATE

We need your support and a great deal of resources to carry this to trial where justice will be served. While DPA has operated in a manner we can all be proud of, our opposition chooses to break the law. We will defend your rights with your help. DPA requests that you consider making a substantial contribution now.

MOTION TO COMPEL

DECLARATION

EXHIBIT A - Subpoena served on ALPA National and associated True Headings evidence

EXHIBIT B - Subpoena served on Delta ALPA MEC

EXHIBIT C - ALPA National response letter to subpoena

EXHIBIT C PART 2 - ALPA National response to include letter from Delta pilot

EXHIBIT C PART 3 - ALPA National response to include other documents

EXHIBIT D - DPA response to ALPA refusal to provide documents

EXHIBIT E - ALPA National second response

EXHIBIT F - ALPA National final response

MEMORANDUM OF LAW

Update on July 17, 2014 by **Webmaster**

DPA is making outstanding progress in identifying John Doe, the hacker(s) of our website last November. In our previous News item above, DPA filed a Motion to Compel ALPA to reveal the identity(s) of those who may be involved in the attack. ALPA has since filed an opposition Memorandum in hopes of escaping the Motion to Compel. This filing begins to reveal greater detail about ALPA's involvement with the unidentified author(s) of the anonymous letter obtained last November by ALPA. Specifically, ALPA seems to have been involved in the writing of the anonymous letter as indicated by ALPA's legal counsel. A Special Committee leader and DAL MEC Strategic Planning Chairman is also identified as having had knowledge that is pertinent as indicated by his written statement attached.

DPA filed a Reply Brief attached below that spells out the significance of ALPA's latest filing. Please carefully read the link below for greater detail.

DPA has spent \$6,500 on legal fees in June alone. The price of the attack continues to climb and will deplete our funds if not replaced by new donations. DPA urgently requests ALL members contribute even a small amount to help us get to the bottom of this investigation that is still expanding in scope.

CLICK HERE to donate NOW!

CLICK HERE to read ALPA's opposition to the Motion to Compel

CLICK HERE to read DPA's Reply Briefing.

Update on August 19, 2014 by **Webmaster**

On Thursday, August 14th, 2014, DPA made good progress in the case. The Judge GRANTED our Motion to Compel thereby forcing ALPA to give up the name of the author of a letter ALPA has been holding since last November implicating involvement in the hacking of the DPA website. ALPA's opposition to our Motion was defeated and we are moving forward with our plan.

ALPA has been forced to reveal the name of an individual involved, but DPA has been restricted by the Court from releasing that name until a formal lawsuit has been filed naming that individual. Please be patient as we prepare for this filing. Do not attempt to ask DPA for the name of the individual. We will decline the request in compliance with the Judge's order.

Some have asked why pursuing the investigation is so important. If someone broke into your home and severely vandalized it, wouldn't you pursue justice? DPA and the 5,800 members that fill our ranks had our "house" broken into and we aim to bring those responsible into the light of day where justice can be applied.

CLICK HERE to read the Order GRANTING our Motion to Compel.

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ATTACHMENT 4

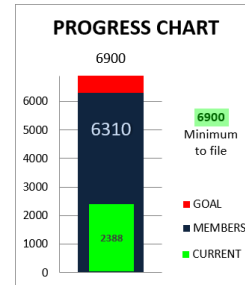


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DPA Website Hacking Lawsuit Journal

On November 8th, 2013, the DPA website was attacked and redirected to a pro-ALPA website for approximately 21 hours. In addition to reporting the felony action to the FBI as a violation of the Computer Fraud and Abuse Act (CAFA), DPA initiated a civil lawsuit, DPA vs DOE, in New York Federal Court, to ascertain the names of all individuals and/or organizations involved and seek justice in the matter. DPA is determined to protect the rights of our members to seek independent representation without interference.

This journal provides documents from the court proceedings and will be updated with new entries as they occur. They are listed by date with the newest updates shown first. First time visitors to this journal are recommended to start at the bottom and review the documents in chronological order. Additional commentary can be found in several articles posted to **DPA NEWS**.

Monday
Oct312016

DPA Wins Motion to Add Defendant Name to Lawsuit

October 31, 2016

On October 20th, 2016, DPA finally won the long-awaited motion to add a specific defendant name to the website hacking lawsuit. The lawsuit has now been publicly amended and the lawsuit can proceed.

CLICK HERE to read the Judge's order granting the DPA motion to amend the lawsuit caption.

CLICK HERE to read the amended Complaint.

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